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**Cc:** **Personal Email/Ex. 6**  
**From:**  
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**Subject:** It is time to Move on the Cleanup in Butte, Montana

The ball is now in EPA's court: Will the EPA obstinately cling to a waste in place remedy for Silver Bow Creek against which there is major independent evidence from reliable sources and against which there is overwhelming public sentiment in Butte to remove the Parrott Tailings and restore Silver Bow Creek or will the EPA admit it made a mistake and fix the problem.

As long as waste is left in place a perpetual threat to public health and economic development is left in place.

The place to start is the soon to be released Five Year Review of Butte Superfund sites. The Five Year Review is probably written (This has been one of the most secretly conducted Five Year Reviews that I can remember.) In a fit of candor, the it would be a cursory review and the EPA said before the Five Year Review process started that all was well. And, EPA calls the shots in Butte. EPA doesn't listen anymore to either the MT Dept. of Environmental Quality or Butte/Silver Bow.

**Why is this soon to be released Five Year Review so critical. It is critical for practical/political and perhaps legal reasons.**

If as expected, the EPA's Five Year Review of itself shows that the remedies in Butte, including Silver Bow Creek/Parrott Tailings and storm water runoff controls, are working well, the EPA will put itself in a bind even if it surprisingly decided to "do the right thing": How could the EPA reverse itself later in the Consent Decree when it just has gotten through saying that the remedy for Silver Bow Creek is working well? How could EPA change its tune to say that the Tailings need to go when it just got through saying in the Five Year Review that the in place remedy was working? If the EPA is going to remove the Tailings, the place to start is the Five Year Review. The Five Year Review must call for a reopening and significant modification of the ROD for Butte Priority Soils and mandate the removing of the Parrott Tailings as part of Superfund remediation. If the Five Year Review doesn't do this, how can it be done later?

Waste in place along Silver Bow Creek is not the only problem: the Berkeley Pit, where the water gets ever higher and only an untested/unproven remedy is proposed, is a ticking time bomb; the Montana Pole Plant where deadly dioxin is left in place with storm water runoff running over it, is a ticking time bomb, failing caps on the Butte Hill are a ticking time bomb. The EPA needs to address these too but the place to start is to address storm water runoff, remove the Parrott Tailings and fully remediate and restore Silver Bow Creek.

MDEQ needs to be steadfast in its call for Tailings removal. Hopefully, the recent staff

shakeup in Butte doesn't signal a lessening of resolve.

We don't want a repeat of Colorado's Gold King mine disaster where EPA "officials knew of the potential for a catastrophic "blowout" of toxic wastewater from an inactive gold mine yet appeared to have only a cursory plan to deal with such an event when government contractors triggered a 3 –million-gallon spill, according to internal documents released by the EPA." (*Montana Standard*, 8/23/2015) EPA administrator McCarthy says the agency will be fully accountable and responsive to the spill. Perhaps this accountability and responsiveness will "spill-over" to Butte and the Montana Office of EPA will step up to the plate and fix the problem. The time for EPA to be responsive is not when the Berkeley Pit remedy fails and it is too late; the time to be accountable is not when contamination from the Parrott Tailings re-pollutes Silver Bow Creek; the time to accept responsibility is not when dioxin from the Montana Pole Plant leaches into Silver Bow Creek. Now is the time.

Based on the above please consider specifically with regard to the Parrott Tailings:

1. The toxics being leached from the Parrott Tailings, Northside Tailings and Diggings East into ground water are highly toxic, contaminants of prime concern, volatile and mobile, the degree of which was not contemplated nor accounted for when the ROD was promulgated. The present remedy cannot accommodate these toxic Tailings.
2. The models upon which EPA based the cleanup modality promulgated in the ROD have been shown to be erroneous, inadequate and wrong.
3. The EPA argument that removing the Tailings will not improve water quality to an appreciable degree is false. Numerous past cases convincingly show that removing tailings does improve ground water significantly. (See: Colorado Tailings, Great Divide Ball Butte Dog Creek, and Indian Creek near Townsend Montana--to name a few.)
4. The EPA says that they will never be able to remove all of the Tailings, just most of them. Again, the perfect should not be the enemy of the good. Removing most of the Tailings would be a big, major step in protecting Silver Bow Creek.
5. The Precautionary Principle as well as the Principle of Pollution Prevention, which are part of federal law, mandate removal. Even though the Parrott Tailings may not be completely understood, there is no question that the Tailings pose a clear and present danger to Silver Bow Creek. The EPA should err on the side of cautiousness and protectiveness and take the needed precaution of removing the Tailings, under remediation, in order to protect Silver Bow Creek.
6. The present capture system is not adequate or deep enough.
7. The EPA contends that public input helps to mold and shape agency decision making. EPA contends that the public is a partner in decision making. Sources, technically qualified, who are independent of EPA almost unanimously, call into question the Parrott Tailings remedy. The public in general sees this as a poor remedy. Will the EPA listen? One of the criteria for reopening a ROD is a change in public acceptance of the remedy. It is clear in Butte that local government and citizens now want the removal of the Parrott and associated tailings. Such change in public perception warrants a reopening of the ROD that will mandate the removal of the tailings as part of remediation. The public, for good reasons, no longer accepts the remedy.
8. So far all the Montana Office of EPA has done is try to come up with specious

arguments to support their previous decision. My decision, right or wrong, will be defended seems to be the EPA position.

9. As long as the Parrott and associated tailings remain in place then constitute an unremediated threat to human health and the environment.

Until the Parrott Tailings are removed, Butte cannot have a fully restored Silver Bow Creek. Unless local government enforces storm water runoff controls, Butte cannot have a fully restored Silver Bow Creek. Now is the time.

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